



General Assembly

February Session, 2014

Amendment

LCO No. 4363

HB0528904363HD0

Offered by:

REP. GUERRERA, 29th Dist.

SEN. MAYNARD, 18th Dist.

REP. SCRIBNER, 107th Dist.

SEN. BOUCHER, 26th Dist.

To: Subst. House Bill No. 5289

File No. 245

Cal. No. 152

"AN ACT ESTABLISHING THE CONNECTICUT PORT AUTHORITY."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective January 1, 2015*) (a) There is hereby
4 established and created a body politic and corporate, constituting a
5 public instrumentality and political subdivision of the state of
6 Connecticut established and created for the performance of an
7 essential public and governmental function, to be known as the
8 Connecticut Port Authority. The authority shall not be construed to be
9 a department, institution or agency of the state.

10 (b) The powers of the authority shall be vested in and exercised by a
11 board of directors, which shall consist of thirteen voting members,
12 appointed as follows: (1) One appointed by the speaker of the House of

13 Representatives for a term of two years; (2) one appointed by the
14 majority leader of the House of Representatives for a term of two
15 years; (3) one appointed by the minority leader of the House of
16 Representatives for a term of two years; (4) one appointed by the
17 president pro tempore of the Senate for a term of four years; (5) one
18 appointed by the majority leader of the Senate for a term of four years;
19 (6) one appointed by the minority leader of the Senate for a term of
20 four years; and (7) seven appointed by the Governor, four for a term of
21 four years and three for a term of two years. Thereafter, such members
22 of the General Assembly and the Governor shall appoint members of
23 the board to succeed such appointees whose terms expire and each
24 member so appointed shall hold office for a period of four years from
25 the first day of July in the year of his or her appointment. The
26 Commissioner of Energy and Environmental Protection, the
27 Commissioner of Transportation and the Commissioner of Economic
28 and Community Development shall each serve as nonvoting, ex-officio
29 members of the board. Appointed members shall have business and
30 management experience and shall include individuals who have
31 experience and expertise in one or more of the following areas: (A)
32 International trade, (B) marine transportation, (C) finance, or (D)
33 economic development. The Governor shall appoint the chairperson of
34 the board, who shall serve for a term of four years. The board shall
35 elect from its members a vice-chairperson and such other officers as it
36 deems necessary.

37 (c) No appointed member of the board of directors may designate a
38 representative to perform his or her respective duties under this
39 section and sections 2 and 3 of this act in such member's absence. Any
40 member who fails to attend three consecutive meetings of the board or
41 who fails to attend fifty per cent of all meetings of the board held
42 during any calendar year shall be deemed to have resigned from the
43 board. Any vacancy occurring other than by expiration of term shall be
44 filled not later than thirty days following the occurrence of such
45 vacancy in the same manner as the original appointment for the
46 balance of the unexpired term. The appointing authority for any

47 member may remove such member for inefficiency, neglect of duty or
48 misconduct in office after giving the member a copy of the charges
49 against the member and an opportunity to be heard, in person or by
50 counsel, in the member's defense, upon not less than ten days' notice. If
51 any member shall be so removed, the appointing authority for such
52 member shall file in the office of the Secretary of the State a complete
53 statement of charges made against such member and the appointing
54 authority's findings on such statement of charges, together with a
55 complete record of the proceedings.

56 (d) On or after July 1, 2015, members of the board of directors shall
57 appoint an executive director of the authority who shall not be a
58 member of the board and who shall serve at the pleasure of the board
59 and receive such compensation as shall be fixed by the board. The
60 executive director shall (1) have extensive experience in the
61 development and management of multi-use port operations; (2) be the
62 chief administrative officer of the authority and direct and supervise
63 administrative affairs and technical activities in accordance with the
64 directives of the board; (3) approve all accounts for salaries, allowable
65 expenses of the authority or of any employee or consultant thereof,
66 and expenses incidental to the operation of the authority; (4) perform
67 such other duties as may be directed by the board in carrying out the
68 purposes of this section and sections 2 and 3 of this act; (5) be exempt
69 from the classified service; and (6) attend all meetings of the board,
70 keep a record of the proceedings of the authority and shall maintain
71 and be custodian of all books, documents and papers filed with the
72 authority and of the minute book or journal of the authority and of its
73 official seal. The executive director may cause copies to be made of all
74 minutes and other records and documents of the authority and may
75 give certificates under the official seal of the authority to the effect that
76 such copies are true copies, and all persons dealing with the authority
77 may rely upon such certificates.

78 (e) Each member of the board of directors shall be entitled to
79 reimbursement for such member's actual and necessary expenses

80 incurred during the performance of such member's official duties.

81 (f) Members of the board of directors may engage in private
82 employment, or in a profession or business, subject to any applicable
83 laws, rules and regulations of the state regarding official ethics or
84 conflict of interest.

85 (g) Notwithstanding any provision of the general statutes, it shall
86 not constitute a conflict of interest for a trustee, director, partner or
87 officer of any person, firm or corporation, or any individual having a
88 financial interest in a person, firm or corporation, to serve as a member
89 of the board of directors of the authority, provided such trustee,
90 director, partner, officer or individual shall comply with all applicable
91 provisions of chapter 10 of the general statutes.

92 (h) Seven voting members of the board of directors of the authority
93 shall constitute a quorum for the transaction of any business or the
94 exercise of any power of the authority. For the transaction of any
95 business or the exercise of any power of the authority, and except as
96 otherwise provided in this section and sections 2 and 3 of this act, the
97 authority may act by a majority of the members present at any meeting
98 at which a quorum is in attendance.

99 (i) The board may delegate to seven or more voting members such
100 board powers and duties as it may deem necessary and proper in
101 conformity with the provisions of this section and its bylaws.

102 (j) The authority shall continue as long as it has bonds or other
103 obligations outstanding and until its existence is terminated by law,
104 provided no such termination shall affect any outstanding contractual
105 obligation of the authority and the state shall succeed to the obligations
106 of the authority under any contract. Upon the termination of the
107 existence of the authority, all its rights and properties shall pass to and
108 be vested in the state of Connecticut.

109 (k) The initial members of the board may begin service immediately
110 upon appointment, but shall not serve past the sixth Wednesday of the

111 next regular session of the General Assembly unless qualified in the
112 manner provided in section 4-7 of the general statutes. Thereafter, all
113 appointments shall be made with the advice and consent of both
114 houses of the General Assembly, in the manner provided in section 4-
115 19 of the general statutes.

116 Sec. 2. (NEW) (*Effective January 1, 2015*) (a) The purposes of the
117 Connecticut Port Authority shall be to coordinate port development,
118 with a focus on private and public investments, pursue federal and
119 state funds for dredging and other infrastructure improvements to
120 increase cargo movement through Connecticut ports, market the
121 advantages of such ports to the domestic and international shipping
122 industry, coordinate the planning and funding of capital projects
123 promoting the development of such ports and develop strategic
124 entrepreneurial initiatives that may be available to the state, and for
125 such purposes the authority is authorized and empowered to:

126 (1) Have perpetual succession as a body politic and corporate and to
127 adopt bylaws for the regulation of its affairs and the conduct of its
128 business;

129 (2) Adopt an official seal and alter the same at pleasure;

130 (3) Maintain an office at such place or places as it may designate;

131 (4) Sue and be sued in its own name, and plead and be impleaded;

132 (5) (A) Employ such assistants, agents and other employees,
133 including, but not limited to, a marketing manager with experience (i)
134 in port market development and promotion, and (ii) working with
135 vessel operators, railroads, the shipping industry and the trucking
136 industry; (B) establish all necessary or appropriate personnel practices
137 and policies, including those relating to hiring, promotion,
138 compensation, retirement and collective bargaining, which need not be
139 in accordance with chapter 68 of the general statutes and the authority
140 shall not be an employer as defined in subsection (a) of section 5-270 of
141 the general statutes; and (C) engage consultants, attorneys and

142 appraisers as may be necessary or desirable to carry out its purposes in
143 accordance with sections 1 to 3, inclusive, of this act;

144 (6) Issue bonds, bond anticipation notes and other obligations of the
145 authority for any of its corporate purposes, and to fund or refund the
146 same, all as provided in sections 1 to 3, inclusive, of this act;

147 (7) Mortgage any property of the authority for the benefit of the
148 holders of obligations issued by the authority;

149 (8) Borrow money or secure credit on a temporary, short-term,
150 interim or long-term basis to the extent permitted under sections 1 to 3,
151 inclusive, of this act;

152 (9) Receive and accept aid or contributions from any source of
153 money, property, labor or other things of value, to be held, used and
154 applied to carry out the purposes of sections 1 to 3, inclusive, of this
155 act, subject to such conditions upon which such grants and
156 contributions may be made, including, but not limited to, gifts or
157 grants from any department, agency or instrumentality of the United
158 States or this state for any purpose consistent with sections 1 to 3,
159 inclusive, of this act;

160 (10) Make and enter into all contracts and agreements necessary or
161 incidental to the performance of its duties and the execution of its
162 powers under sections 1 to 3, inclusive, of this act, including, but not
163 limited to, the granting of leasehold interests, concession, access and
164 development rights and privileges, supplier, vendor, contractor and
165 consultant contracts;

166 (11) Acquire, lease, purchase, own, manage, hold and dispose of
167 personal property, and lease, convey or deal in or enter into
168 agreements with respect to such property on any terms necessary or
169 incidental to the carrying out of these purposes;

170 (12) Acquire, lease, purchase, own, manage, hold and dispose of,
171 and invest in, real property, including, but not limited to, any state pier

172 real property under its control, and lease, convey or deal in or enter
173 into agreements with respect to such property on any terms necessary
174 or incidental to carrying out the purposes of sections 1 to 3, inclusive,
175 of this act, provided such transactions shall not be subject to approval,
176 review or regulation by any state agency pursuant to title 4b of the
177 general statutes or any other provision of the general statutes.
178 Notwithstanding this subdivision, the authority shall not convey fee
179 simple ownership in any land under its jurisdiction and control
180 without the approval of the State Properties Review Board and the
181 Attorney General;

182 (13) Procure insurance against any liability or loss in connection
183 with its property and other assets, in such amounts and from such
184 insurers as it deems desirable and to procure insurance for employees;

185 (14) Account for and audit funds of the authority and funds of any
186 recipients of funds from the authority;

187 (15) Establish advisory committees to assist in accomplishing its
188 duties under sections 1 to 3, inclusive, of this act, which may include
189 one or more members of the board of directors and persons other than
190 members;

191 (16) Hold patents, copyrights, trademarks, marketing rights,
192 licenses, or any other evidences of protection or exclusivity issued
193 under the laws of the United States or any state; and

194 (17) Do all acts and things necessary or convenient to carry out the
195 purposes of sections 1 to 3, inclusive, of this act, and the powers
196 expressly granted by sections 1 to 3, inclusive, of this act.

197 (b) To serve its purpose, the authority shall:

198 (1) Develop an organizational and management structure that will
199 best accomplish the goals of the authority concerning Connecticut
200 ports;

201 (2) Create a code of conduct for the board of directors of the
202 authority consistent with part I of chapter 10 of the general statutes;

203 (3) Adopt rules for the conduct of its business, which shall not be
204 considered regulations, as defined in subdivision (13) of section 4-166
205 of the general statutes;

206 (4) On or before December fifteenth of each year, report, in
207 accordance with the provisions of section 11-4a of the general statutes,
208 to the Governor and the joint standing committees of the General
209 Assembly having cognizance of matters relating to transportation,
210 commerce and the environment, summarizing the authority's
211 activities, disclosing operating and financial statements and
212 recommending legislation to promote the authority's purposes; and

213 (5) Not later than seven days after receiving an audit of the
214 authority conducted by an independent auditing firm, submit, in
215 accordance with the provisions of section 11-4a of the general statutes,
216 to the joint standing committees of the General Assembly having
217 cognizance of matters relating to appropriations, commerce, the
218 environment and transportation a copy of each such audit.

219 Sec. 3. (NEW) (*Effective January 1, 2015*) The board of directors of the
220 Connecticut Port Authority shall adopt written procedures, in
221 accordance with the provisions of section 1-121 of the general statutes,
222 for: (1) Adopting an annual budget and plan of operations, including a
223 requirement of board approval before the budget or plan may take
224 effect; (2) hiring, dismissing, promoting and compensating employees
225 of the authority, including an affirmative action policy and a
226 requirement of board approval before a position may be created or a
227 vacancy filled; (3) acquiring real and personal property and personal
228 services, including a requirement of board approval for any
229 nonbudgeted expenditure in excess of five thousand dollars; (4)
230 contracting for financial, legal and other professional services,
231 including a requirement that the authority solicit proposals at least
232 once every three years for each such service which it uses; (5)

233 awarding loans, grants and other financial assistance, including
234 eligibility criteria, the application process and the role played by the
235 authority's staff and board of directors; and (6) the use of surplus
236 funds to the extent authorized under sections 1 and 2 of this act and
237 this section or other provision of the general statutes.

238 Sec. 4. (NEW) (*Effective January 1, 2015*) On or before July 1, 2015, the
239 board of directors described in section 1 of this act shall, within
240 available appropriations, after consultation with the Commissioner of
241 Economic and Community Development, the Commissioner of
242 Transportation and the Commissioner of Energy and Environmental
243 Protection, (1) develop a plan to transition the maritime functions of
244 the Department of Transportation to the Connecticut Port Authority;
245 (2) review and make recommendations for state policies that affect
246 Connecticut's ports; (3) coordinate state, regional and local efforts to
247 encourage the growth of Connecticut's ports; (4) develop a plan to
248 transition the functions of the Connecticut Maritime Commission to
249 the Connecticut Port Authority; (5) identify qualified candidates for
250 the executive director of the Connecticut Port Authority; (6) develop a
251 plan concerning the bonding authority of the Connecticut Port
252 Authority; and (7) prepare and submit, on or before July 1, 2015, a
253 report of activities, findings and recommendations concerning the
254 Connecticut Port Authority to the Governor and the joint standing
255 committees of the General Assembly having cognizance of matters
256 relating to commerce, transportation and the environment, in
257 accordance with the provisions of section 11-4a of the general statutes.

258 Sec. 5. Subdivision (12) of section 1-79 of the 2014 supplement to the
259 general statutes is repealed and the following is substituted in lieu
260 thereof (*Effective January 1, 2015*):

261 (12) "Quasi-public agency" means Connecticut Innovations,
262 Incorporated, [and] the Connecticut Health and Education Facilities
263 Authority, the Connecticut Higher Education Supplemental Loan
264 Authority, the Connecticut Housing Finance Authority, the State
265 Housing Authority, the Connecticut Resources Recovery Authority,

266 the Capital Region Development Authority, the Connecticut Lottery
267 Corporation, the Connecticut Airport Authority, the Health
268 Information Technology Exchange of Connecticut, the Connecticut
269 Health Insurance Exchange, [and] the Clean Energy Finance and
270 Investment Authority and the Connecticut Port Authority.

271 Sec. 6. Subdivision (1) of section 1-120 of the general statutes is
272 repealed and the following is substituted in lieu thereof (*Effective*
273 *January 1, 2015*):

274 (1) "Quasi-public agency" means Connecticut Innovations,
275 Incorporated, [and] the Connecticut Health and Educational Facilities
276 Authority, the Connecticut Higher Education Supplemental Loan
277 Authority, the Connecticut Housing Finance Authority, the
278 Connecticut Housing Authority, the Connecticut Resources Recovery
279 Authority, the Capital Region Development Authority, the
280 Connecticut Lottery Corporation, the Connecticut Airport Authority,
281 the Health Information Technology Exchange of Connecticut, the
282 Connecticut Health Insurance Exchange, [and] the Clean Energy
283 Finance and Investment Authority and the Connecticut Port Authority.

284 Sec. 7. Section 1-124 of the general statutes is repealed and the
285 following is substituted in lieu thereof (*Effective January 1, 2015*):

286 (a) Connecticut Innovations, Incorporated, the Connecticut Health
287 and Educational Facilities Authority, the Connecticut Higher
288 Education Supplemental Loan Authority, the Connecticut Housing
289 Finance Authority, the Connecticut Housing Authority, the
290 Connecticut Resources Recovery Authority, the Health Information
291 Technology Exchange of Connecticut, the Connecticut Airport
292 Authority, the Capital Region Development Authority, the
293 Connecticut Health Insurance Exchange, [and] the Clean Energy
294 Finance and Investment Authority and the Connecticut Port Authority
295 shall not borrow any money or issue any bonds or notes which are
296 guaranteed by the state of Connecticut or for which there is a capital
297 reserve fund of any kind which is in any way contributed to or

298 guaranteed by the state of Connecticut until and unless such
299 borrowing or issuance is approved by the State Treasurer or the
300 Deputy State Treasurer appointed pursuant to section 3-12. The
301 approval of the State Treasurer or said deputy shall be based on
302 documentation provided by the authority that it has sufficient
303 revenues to (1) pay the principal of and interest on the bonds and notes
304 issued, (2) establish, increase and maintain any reserves deemed by the
305 authority to be advisable to secure the payment of the principal of and
306 interest on such bonds and notes, (3) pay the cost of maintaining,
307 servicing and properly insuring the purpose for which the proceeds of
308 the bonds and notes have been issued, if applicable, and (4) pay such
309 other costs as may be required.

310 (b) To the extent Connecticut Innovations, Incorporated, [and] the
311 Connecticut Higher Education Supplemental Loan Authority, the
312 Connecticut Housing Finance Authority, the Connecticut Housing
313 Authority, the Connecticut Resources Recovery Authority, the
314 Connecticut Health and Educational Facilities Authority, the Health
315 Information Technology Exchange of Connecticut, the Connecticut
316 Airport Authority, the Capital Region Development Authority, the
317 Connecticut Health Insurance Exchange, [or] the Clean Energy Finance
318 and Investment Authority or the Connecticut Port Authority is
319 permitted by statute and determines to exercise any power to
320 moderate interest rate fluctuations or enter into any investment or
321 program of investment or contract respecting interest rates, currency,
322 cash flow or other similar agreement, including, but not limited to,
323 interest rate or currency swap agreements, the effect of which is to
324 subject a capital reserve fund which is in any way contributed to or
325 guaranteed by the state of Connecticut, to potential liability, such
326 determination shall not be effective until and unless the State
327 Treasurer or his or her deputy appointed pursuant to section 3-12 has
328 approved such agreement or agreements. The approval of the State
329 Treasurer or his or her deputy shall be based on documentation
330 provided by the authority that it has sufficient revenues to meet the
331 financial obligations associated with the agreement or agreements.

332 Sec. 8. Section 1-125 of the general statutes is repealed and the
333 following is substituted in lieu thereof (*Effective January 1, 2015*):

334 The directors, officers and employees of Connecticut Innovations,
335 Incorporated, [and] the Connecticut Higher Education Supplemental
336 Loan Authority, the Connecticut Housing Finance Authority, the
337 Connecticut Housing Authority, the Connecticut Resources Recovery
338 Authority, including ad hoc members of the Connecticut Resources
339 Recovery Authority, the Connecticut Health and Educational Facilities
340 Authority, the Capital Region Development Authority, the Health
341 Information Technology Exchange of Connecticut, the Connecticut
342 Airport Authority, the Connecticut Lottery Corporation, the
343 Connecticut Health Insurance Exchange, [and] the Clean Energy
344 Finance and Investment Authority and the Connecticut Port Authority
345 and any person executing the bonds or notes of the agency shall not be
346 liable personally on such bonds or notes or be subject to any personal
347 liability or accountability by reason of the issuance thereof, nor shall
348 any director or employee of the agency, including ad hoc members of
349 the Connecticut Resources Recovery Authority, be personally liable for
350 damage or injury, not wanton, reckless, wilful or malicious, caused in
351 the performance of his or her duties and within the scope of his or her
352 employment or appointment as such director, officer or employee,
353 including ad hoc members of the Connecticut Resources Recovery
354 Authority. The agency shall protect, save harmless and indemnify its
355 directors, officers or employees, including ad hoc members of the
356 Connecticut Resources Recovery Authority, from financial loss and
357 expense, including legal fees and costs, if any, arising out of any claim,
358 demand, suit or judgment by reason of alleged negligence or alleged
359 deprivation of any person's civil rights or any other act or omission
360 resulting in damage or injury, if the director, officer or employee,
361 including ad hoc members of the Connecticut Resources Recovery
362 Authority, is found to have been acting in the discharge of his or her
363 duties or within the scope of his or her employment and such act or
364 omission is found not to have been wanton, reckless, wilful or
365 malicious.

366 Sec. 9. Section 13b-51b of the general statutes is repealed and the
367 following is substituted in lieu thereof (*Effective July 1, 2015*):

368 There shall be, within the Department of Transportation, a State
369 Maritime Office which shall: (1) Be responsible for maritime
370 operations, including the State Pier in New London, the Connecticut
371 River ferries and such other operational responsibilities as shall be
372 assigned to it; (2) serve as the Governor's principal maritime policy
373 advisor; (3) serve as the liaison between the state and federal, local and
374 private entities involved in maritime policy activities; (4) coordinate
375 the state's maritime policy activities; (5) encourage year-round use of
376 water-related industries; (6) work with the Department of Economic
377 and Community Development and other state, local and private
378 entities to maximize the economic potential of Connecticut's ports and
379 other maritime resources; (7) conduct necessary research and planning
380 activities; (8) assess potential state investments in ports and other
381 maritime facilities; [(9) provide staff support to the Connecticut
382 Maritime Commission, created in section 13b-51a; (10)] (9) provide
383 staff support to the Connecticut Pilot Commission created by section
384 15-13c; and [(11)] (10) undertake such other responsibilities as may be
385 assigned to it by the commissioner or the Governor.

386 Sec. 10. Section 13b-55a of the general statutes is repealed and the
387 following is substituted in lieu thereof (*Effective July 1, 2015*):

388 (a) In addition to municipal requests for a grant-in-aid pursuant to
389 section 13b-57, harbor improvement projects may be initiated by the
390 Commissioner of Transportation on behalf of the state or for the state
391 on behalf of the federal government. Recommendations on the
392 prioritization or inclusion of projects shall be submitted to the
393 commissioner by the Connecticut [Maritime Commission] Port
394 Authority. The department shall contract for the provision of goods
395 and services to harbors and waterways for such improvements, and
396 shall provide the funding required under such contracts, except that
397 the commissioner may enter into agreements with other state agencies
398 or municipalities for such agencies or municipalities to provide the

399 funding for any of such contracts. The department shall administer all
400 contracts entered into under this section.

401 (b) All contracts are subject to final negotiation of the scope and
402 budget for a given project. Contracting periods may vary depending
403 on each project. Payments shall be made on a reimbursement basis for
404 deliverables completed no later than the dates of service of an executed
405 contract. Appropriate back-up information shall be included with each
406 payment request indicating that services have been rendered. The
407 department may elect to provide part or all of the funds necessary as
408 an upfront payment, provided funds are held in a separate, noninterest
409 bearing account and are expended not later than sixty days after such
410 funds are provided.

411 (c) Harbor improvement projects include the preparation of plans,
412 studies and construction for the alteration and improvement of various
413 state, municipal and other properties in or adjacent to the waters of the
414 state, for the purpose of improving the economy and infrastructure of
415 the state.

416 Sec. 11. Subdivision (2) of subsection (b) of section 12-587 of the 2014
417 supplement to the general statutes is repealed and the following is
418 substituted in lieu thereof (*Effective from passage*):

419 (2) Gross earnings derived from the first sale of the following
420 petroleum products within this state shall be exempt from tax: (A) Any
421 petroleum products sold for exportation from this state for sale or use
422 outside this state; (B) the product designated by the American Society
423 for Testing and Materials as "Specification for Heating Oil D396-69",
424 commonly known as number 2 heating oil, to be used exclusively for
425 heating purposes or to be used in a commercial fishing vessel, which
426 vessel qualifies for an exemption pursuant to section 12-412; (C)
427 kerosene, commonly known as number 1 oil, to be used exclusively for
428 heating purposes, provided delivery is of both number 1 and number 2
429 oil, and via a truck with a metered delivery ticket to a residential
430 dwelling or to a centrally metered system serving a group of

431 residential dwellings; (D) the product identified as propane gas, to be
432 used exclusively for heating purposes; (E) bunker fuel oil, intermediate
433 fuel, marine diesel oil and marine gas oil to be used in any vessel (i)
434 having a displacement exceeding four thousand dead weight tons, or
435 (ii) primarily engaged in interstate commerce; (F) for any first sale
436 occurring prior to July 1, 2008, propane gas to be used as a fuel for a
437 motor vehicle; (G) for any first sale occurring on or after July 1, 2002,
438 grade number 6 fuel oil, as defined in regulations adopted pursuant to
439 section 16a-22c, to be used exclusively by a company which, in
440 accordance with census data contained in the Standard Industrial
441 Classification Manual, United States Office of Management and
442 Budget, 1987 edition, is included in code classifications 2000 to 3999,
443 inclusive, or in Sector 31, 32 or 33 in the North American Industrial
444 Classification System United States Manual, United States Office of
445 Management and Budget, 1997 edition; (H) for any first sale occurring
446 on or after July 1, 2002, number 2 heating oil to be used exclusively in a
447 vessel primarily engaged in interstate commerce, which vessel
448 qualifies for an exemption under section 12-412; (I) for any first sale
449 occurring on or after July 1, 2000, paraffin or microcrystalline waxes;
450 (J) for any first sale occurring prior to July 1, 2008, petroleum products
451 to be used as a fuel for a fuel cell, as defined in subdivision (113) of
452 section 12-412; (K) a commercial heating oil blend containing not less
453 than ten per cent of alternative fuels derived from agricultural
454 produce, food waste, waste vegetable oil or municipal solid waste,
455 including, but not limited to, biodiesel or low sulfur dyed diesel fuel;
456 (L) for any first sale occurring on or after July 1, 2007, diesel fuel other
457 than diesel fuel to be used in an electric generating facility to generate
458 electricity; (M) for any first sale occurring on or after July 1, 2013,
459 cosmetic grade mineral oil; or (N) propane gas to be used as a fuel for a
460 school bus.

461 Sec. 12. Subdivision (3) of subsection (a) of section 12-458 of the
462 general statutes is repealed and the following is substituted in lieu
463 thereof (*Effective from passage*):

464 (3) Said tax shall not be payable on such fuel as may have been (A)
465 sold to the United States, (B) sold to a municipality of this state, (i) for
466 use by any contractor performing a service for such municipality in
467 accordance with a contract, provided such fuel is used by such
468 contractor exclusively for the purposes of and in accordance with such
469 contract, or (ii) for use exclusively in a school bus, as defined in section
470 14-275, (C) sold to a municipality of this state, a transit district of this
471 state, or this state, at other than a retail outlet, for governmental
472 purposes and for use in vehicles owned and operated, or leased and
473 operated by such municipality, such transit district or this state, (D)
474 sold to a person licensed as a distributor in this state under section 12-
475 456, (E) transferred from storage within this state to some point
476 without this state, (F) sold to the holder of a permit issued under
477 section 12-458a for sale or use without this state, (G) sold to the holder
478 of a permit issued under subdivision (63) of section 12-412, provided
479 (i) such fuel is not used in motor vehicles registered or required to be
480 registered to operate upon the public highways of this state, unless
481 such fuel is used in motor vehicles registered exclusively for farming
482 purposes, (ii) such fuel is not delivered, upon such sale, to a tank in
483 which such person keeps fuel for personal and farm use, and (iii) a
484 statement, prescribed as to form by the Commissioner of Revenue
485 Services and bearing notice to the effect that false statements made
486 under this section are punishable, that such fuel is used exclusively for
487 farming purposes, is submitted by such person to the distributor, (H)
488 sold exclusively to furnish power for an industrial plant in the actual
489 fabrication of finished products to be sold, or for the fishing industry,
490 (I) sold exclusively for heating purposes, (J) sold exclusively to furnish
491 gas, water, steam or electricity, if delivered to consumers through
492 mains, lines or pipes, (K) sold to the owner or operator of an aircraft, as
493 defined in section 15-34, exclusively for aviation purposes, provided (i)
494 for purposes of this subdivision, "aviation purposes" means for the
495 purpose of powering an aircraft or an aircraft engine, (ii) such fuel is
496 delivered, upon such sale, to a tank in which fuel is kept exclusively
497 for aviation purposes, and (iii) a statement, prescribed as to form by
498 the Commissioner of Revenue Services and bearing notice to the effect

499 that false statements made under this section are punishable, that such
 500 fuel is used exclusively for aviation purposes, is submitted by such
 501 person to the distributor, (L) sold to a dealer who is licensed under
 502 section 12-462 and whose place of business is located upon an
 503 established airport within this state, [or] (M) diesel fuel sold
 504 exclusively for use in portable power system generators that are larger
 505 than one hundred fifty kilowatts, or (N) sold for use in any vessel (i)
 506 having a displacement exceeding four thousand dead weight tons, or
 507 (ii) primarily engaged in interstate commerce.

508 Sec. 13. (NEW) (*Effective July 1, 2014*) On or before October 1, 2014,
 509 the Commissioner of Economic and Community Development shall
 510 identify, in collaboration with the Governor, the Commissioner of
 511 Transportation and the Commissioner of Energy and Environmental
 512 Protection, qualified candidates for the initial board of directors of the
 513 Connecticut Port Authority.

514 Sec. 14. Section 13b-51a of the general statutes is repealed. (*Effective*
 515 *July 1, 2015*)"

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2015</i>	New section
Sec. 2	<i>January 1, 2015</i>	New section
Sec. 3	<i>January 1, 2015</i>	New section
Sec. 4	<i>January 1, 2015</i>	New section
Sec. 5	<i>January 1, 2015</i>	1-79(12)
Sec. 6	<i>January 1, 2015</i>	1-120(1)
Sec. 7	<i>January 1, 2015</i>	1-124
Sec. 8	<i>January 1, 2015</i>	1-125
Sec. 9	<i>July 1, 2015</i>	13b-51b
Sec. 10	<i>July 1, 2015</i>	13b-55a
Sec. 11	<i>from passage</i>	12-587(b)(2)
Sec. 12	<i>from passage</i>	12-458(a)(3)
Sec. 13	<i>July 1, 2014</i>	New section
Sec. 14	<i>July 1, 2015</i>	Repealer section